

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket NL 031439
JOHAN C. TALSTRA ET AL.	Confirmation No.: 5196
Serial No.: 10/581,119	Examiner: KIM KWOK CHU
Filed: MAY 30, 2006	Group Art Unit: 2627

Title: CONTENT PROTECTION ON A RECORD CARRIER

TITLE: COMPOUND AND METHOD TO IMPROVE WRINKLE RESISTANCE IN
FABRICS, AND FABRIC PROVIDED WITH SAID COMPOUND

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellants herewith respectfully present its Brief on Appeal
as follows:

REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge and belief, there are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-14 are pending in this application. Claims 1-14 are rejected in the Final Office Action that issued April 14, 2009. This rejection was upheld, in an Advisory Action that mailed on June 23, 2009 in response to an Amendment After Final Action that was submitted on June 15, 2009. Claims 1-14 are the subject of this appeal.

STATUS OF AMENDMENTS

An Amendment After Final Action was submitted on June 15, 2009 in response to a Final Office Action mailed on April 14, 2009. The Amendment After Final Action did not include any amendments to the claims though the specification was amended to correct an obvious typographic error. In an Advisory Action mailed on June 23, 2009, it is indicated that the after Amendment After Final Action will be entered but the Amendment After Final action does not place the application in condition for allowance. This Appeal Brief is in response to the Final Office Action mailed on April 14, 2009, that finally rejected claims 1-14, which remain finally rejected in the Advisory Action mailed on June 23, 2009.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, for example as claimed in claim 1, relates to a record carrier (see, present application, FIGs. 4a-4d) having a data zone (see, present application, FIGs. 4b and page 6, lines 31-32, data zone 7) and an initial zone (see, present application, FIGs. 4b and page 6, lines 32-34, initial zone 25) and comprising a main channel storing content (see, present application, FIGs. 4a and page 6, lines 26-27, data zone 7) and a side channel storing address information and data relevant for making recordings (see, present application, FIGs. 4a, page 6, lines 27-28, key block 20), wherein content protection information for protection of said content is stored in said side channel in a pregroove in said data zone (see, present application, FIG. 4c, page 2, line 31 though page 3, line 8, page 7, lines 3-9, content protection information (20, 22, 26, 28)), wherein the main channel is for recording information in said data zone (see, present application, FIGs. 1, 4a-4d, page 6, lines 14-19).

The present invention, for example as claimed in claim 9, relates to a method for protecting content stored on a record

carrier (see, present application, FIGs. 4a-4d), said record carrier having a data zone (see, present application, FIGs. 4b and page 6, lines 31-32, data zone 7) and an initial zone (see, present application, FIGs. 4b and page 6, lines 32-34, initial zone 25), the method including acts of storing content in a main channel (see, present application, FIGs. 4a and page 6, lines 26-27, data zone 7), storing address information and data relevant for making recordings in a side channel (see, present application, FIGs. 4a, page 6, lines 27-28, key block 20); and storing content protection information for protection of said content in said side channel in a pregroove in said data zone (see, present application, FIG. 4c, page 2, line 31 through page 3, line 8, page 7, lines 3-9, content protection information (20, 22, 26, 28)) wherein the main channel is for recording information in said data zone (see, present application, FIGs. 1, 4a-4d, page 6, lines 14-19).

The present invention, for example as claimed in claim 10, relates to a device for protecting content stored on a record carrier (see, present application, FIG. 5, page 7, lines 15-16, content protecting device 40 and record carrier 46), said record carrier having a data zone (see, present application, FIGs. 4b and

page 6, lines 31-32, data zone 7) and an initial zone (see, present application, FIGs. 4b and page 6, lines 32-34, initial zone 25) and comprising a main channel storing content (see, present application, FIGs. 4a and page 6, lines 26-27, data zone 7) and a side channel storing address information and data relevant for making recordings (see, present application, FIGs. 4a, page 6, lines 27-28, key block 20). The device includes means for using content protection information for protection of said content (see, present application, FIG. 5, page 7, lines 16-26, means 44 for reading out content protection information, means 48 for encrypting or protecting content provided by a source, means 52 for writing said encrypted or protected content, means 54 for reading out said protected content, means 56 for reading out said content protection information and means 58 for decrypting said protected content), said content protection information being stored in said side channel in a pregroove in said data zone (see, present application, FIG. 4c, page 2, line 31 through page 3, line 8, page 7, lines 3-9, content protection information (20, 22, 26, 28)), wherein the main channel is for recording information in said data zone (see, present application, FIGs. 1, 4a-4d, page 6, lines 14-19).

The present invention, for example as claimed in claim 11, relates to an apparatus for reading out protected content stored on a record carrier (see, present application, FIG. 5, page 7, lines 15-16, content protecting device 40 and record carrier 46), said record carrier having a data zone (see, present application, FIGs. 4b and page 6, lines 31-32, data zone 7) and an initial zone (see, present application, FIGs. 4b and page 6, lines 32-34, initial zone 25) and comprising a main channel storing content (see, present application, FIGs. 4a and page 6, lines 26-27, data zone 7) and a side channel storing address information and data relevant for making recordings (see, present application, FIGs. 4a, page 6, lines 27-28, key block 20). The apparatus includes means for reading out of said protected content (see, present application, FIG. 5, page 7, lines 16-26, protected content read-out device 42), means for reading out of content protection information for protection of said content (see, present application, FIG. 5, page 7, lines 16-26, means 44 for reading out content protection information), the content protection information being stored in said side channel in a pregroove in said data zone (see, present application, FIG. 4c, page 2, line 31 though page 3, line 8, page

7, lines 3-9, content protection information (20, 22, 26, 28)), and means for decrypting said content using said content protection information (see, present application, FIG. 5, page 7, lines 16-26, means 58 for decrypting said protected content), wherein the main channel is for recording information in said data zone (see, present application, FIGs. 1, 4a-4d, page 6, lines 14-19).

The present invention, for example as claimed in claim 12, relates to a method for reading out protected content stored on a record carrier (see, present application, FIG. 5, page 7, lines 15-16, content protecting device 40 and record carrier 46), said record carrier having a data zone (see, present application, FIGs. 4b and page 6, lines 31-32, data zone 7) and an initial zone (see, present application, FIGs. 4b and page 6, lines 32-34, initial zone 25) and comprising a main channel storing content (see, present application, FIGs. 4a and page 6, lines 26-27, data zone 7) and a side channel storing address information and data relevant for making recordings (see, present application, FIGs. 4a, page 6, lines 27-28, key block 20). The method comprising acts of reading out of said protected content (see, present application, FIG. 5, page 7, lines 16-26, protected content read-out device 42), reading

out of content protection information for protection of said content (see, present application, FIG. 5, page 7, lines 16-26, means 44 for reading out content protection information) stored in said side channel in a pregroove in said data zone (see, present application, FIG. 4c, page 2, line 31 through page 3, line 8, page 7, lines 3-9, content protection information (20, 22, 26, 28)), decrypting said content using said content protection information (see, present application, FIG. 5, page 7, lines 16-26, means 58 for decrypting said protected content), wherein the main channel is for recording information in said data zone (see, present application, FIGs. 1, 4a-4d, page 6, lines 14-19).

The present invention, for example as claimed in claim 13, relates to a computer program stored on a computer readable memory medium, the computer program comprising computer program code means for causing a computer to perform acts when said computer program is run on a computer (see, present application, FIG. 5, page 5, lines 29-31, page 7, lines 15-16, content protecting device 40, and protected content read-out device 42), the acts including storing content in a main channel (see, present application, FIGs. 4a and page 6, lines 26-27, data zone 7), storing address information and

data relevant for making recordings in a side channel (see, present application, FIGs. 4a, page 6, lines 27-28, key block 20); and storing content protection information for protection of said content in said side channel in a pregroove in a data zone, wherein said content protection information is used for protecting said content (see, present application, FIG. 4c, page 2, line 31 through page 3, line 8, page 7, lines 3-9, content protection information (20, 22, 26, 28)), wherein the main channel is for recording information in said data zone (see, present application, FIGs. 1, 4a-4d, page 6, lines 14-19).

It should be explicitly noted that it is not the Appellants' intention that the currently claimed device and method be limited to operation within the illustrative device and method described above beyond what is required by the claim language. Further description of the illustrative device and method is provided above indicating portions of the claims which cover the illustrative device and method merely for compliance with requirements of this appeal without intending any further interpreted limitations be read into the claims as presented.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether the feature "stored in said side channel in a pregroove in said data zone" is shown in figures of U.S. Patent Application Serial No. 10/581,119.

Whether claims 1-14 of U.S. Patent Application Serial No. 10/581,119 are indefinite due to the feature "stored in said side channel in a pregroove in said data zone ..."

Whether claims 1-12 of U.S. Patent Application Serial No. 10/581,119 are anticipated under 35 U.S.C. §102(b) over U.S. Patent No. 6,633,534 to Tosaki ("Tosaki").

Whether claims 13 and 14 of U.S. Patent Application Serial No. 10/581,119 are obvious under 35 U.S.C. §103(a) over Tosaki in view of U.S. Patent No. 6,236,727 to Ciacelli ("Ciacelli").

ARGUMENT

The drawings are said to deficient in showing features of the claims.

It is respectfully submitted that the feature of "stored in said side channel in a pregroove in said data zone" is already present in the drawings as presented. In fact, each of FIGs. 4a-4d show content protection information for protection of said content is stored in said side channel generally. It is clear from a simple inspection of the figures that the copy protection information is stored in a side channel as illustrated (e.g., graphically illustrated as occupying only a portion of the data area). The specification in discussing the present system makes clear that "[i]n one embodiment of a record carrier according to the invention said record carrier is a DVD+R disc or a DVD+RW disc and said side channel is an ADIP side channel, i.e. the ADIP in the data area is preferably used as a location to store key blocks necessary for a content protection system." (See, Present Application, page 3, lines 27-30.) The specification further makes clear that (emphasis added) "the ADIP (Address in Pregroove) is a

high frequency phase modulated wobble which contains address information ...". (See, Present Application, page 3, lines 1-3.) Accordingly and as is clear to a person of ordinary skill in the art, the figures, such as FIG. 4a, clearly show "stored in the pregroove in the data zone", such as key block 20 shown in FIG. 4a.

It is respectfully submitted that the drawings are in proper form and clearly show the features of the claims. Accordingly, the Examiner's objection to the drawings should be reversed.

Claims 1-14 are said to be indefinite.

The Final Office Action cites paragraph [0011] of the Present Application in support of the position that "the amended feature 'pregroove' should be in the initial zone and can not be located in the data zone." (See, Final Office Action, page 2 continuing to page 3.) However, reliance on paragraph [0011] of the Present Application in support of the notion is misplaced.

Paragraph [0011] of the present application states in pertinent part (emphasis added), "E.g. on DVD+R\W media the ADIP (Address in Pregroove) is a high frequency phase modulated wobble which contains address information and (in the lead-in zone only)

parameters to aid the physical recording process for this particular media (laser power, write strategy, disc manufacturer etc.)..." As is clear from the paragraph, the ADIP is contained in both the data zone and the lead-in zone, however, "only in the lead-in zone" does the ADIP contain parameters such as laser power, write strategy, disc manufacturer etc.

Accordingly, the Examiner's rejection of claims 1-14 under 35 U.S.C. §112, second paragraph, should be reversed.

Claims 1-12 are said to be anticipated by Tosaki.

Appellants respectfully request the Board to address the patentability of independent claims 1 and 9-12, and further claims 2-8 as respectively depending from independent claim 1, based on the requirements of independent claims 1 and 9-12. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 2-8 at a later date should the separately patentable subject matter of claims 2-8 later become an issue. Accordingly, this limitation

of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claims 1 and 9-12 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Tosaki shows a write-once DVD 1 that (emphasis added) "has a test area 3 provided inside the lead-in area 4, which is used inside the lead-in area 4 ..." (see, Tosaki, abstract, FIGs. 1a, 1B, and Col. 6, lines 40-43, cited in the Office Action). Accordingly, while Tosaki shows test information, it is clear that Tosaki teaches the test information is in the lead-in area and not in the data area 5 (see, Tosaki, FIGs. 1A, 1B, 2).

It is respectfully submitted that the record carrier of claim 1 is not anticipated or made obvious by the teachings of Tosaki. For example, Tosaki does not disclose or suggest, a record carrier that amongst other patentable elements, comprises (illustrative emphasis added) "a main channel storing content and a side channel storing address information and data relevant for making recordings, wherein content protection information for protection of said content is stored in said side channel in a pregroove in

said data zone, wherein the main channel is for recording information in said data zone" as recited in claim 1, and as similarly recited in each of claims 9-12.

Based on the foregoing, the Appellants respectfully submit that independent claims 1 and 9-12 are patentable over Tosaki and notice to this effect is earnestly solicited.

Claims 2-8 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

Claims 13 and 14 are said to be unpatentable over Tosaki in view of Ciacelli.

Ciacelli is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in Tosaki discussed above.

It is respectfully submitted that the computer program of claim 13 is not anticipated or made obvious by the teachings of

Tosaki in view of Ciacelli. For example, Tosaki in view of Ciacelli does not disclose or suggest, a computer program that amongst other patentable elements, comprises (illustrative emphasis added) "storing content protection information for protection of said content in said side channel in a pregroove in a data zone, wherein said content protection information is used for protecting said content, wherein the main channel is for recording information in said data zone" as recited in claim 13.

Based on the foregoing, the Appellants respectfully submit that independent claim 13 is patentable over Tosaki in view of Ciacelli and notice to this effect is earnestly solicited.

Claim 14 depends from claim 13 and accordingly is allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of the dependent claim is respectfully requested.

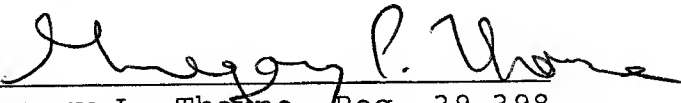
In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to

submit further arguments in support of the above stated position,
should that become necessary. No arguments are waived and none of
the Examiner's statements are conceded.

CONCLUSION

The figures show every feature of the claims, claims 1-12 are definite and claims 1-14 are patentable over Tosaki alone and in view of Ciacelli. Thus the Examiner's objection to the figures and rejection of claims 1-14 should be reversed.

Respectfully submitted,

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APPENDIX A

CLAIMS ON APPEAL

1. (Previously presented) A record carrier having a data zone and an initial zone and comprising a main channel storing content and a side channel storing address information and data relevant for making recordings, wherein content protection information for protection of said content is stored in said side channel in a pregroove in said data zone, wherein the main channel is for recording information in said data zone.

2. (Previously presented) The record carrier as claimed in claim 1, wherein said content protection information comprises a key block.

3. (Previously presented) The record carrier as claimed in claim 1, wherein said content protection information comprises a pointer to a storage location of a key block stored in said initial zone.

4. (Previously presented) The record carrier as claimed in claim 2, wherein said content protection information comprises a pointer to a storage location of a backup of said key block stored in said initial zone.
5. (Previously presented) The record carrier as claimed in claim 1, wherein said content protection information is stored as a part of said address information.
6. (Previously presented) The record carrier as claimed in claim 1, wherein said record carrier is a DVD+R disc or a DVD+RW disc and said side channel is an ADIP side channel.
7. (Previously presented) The record carrier as claimed in claim 1, wherein said record carrier is a DVD-R disc or a DVD-RW disc and said side channel is a LPP side channel.
8. (Previously presented) The record carrier as claimed in claim 1, wherein said record carrier is a DVD and a copy of said

content protection information is stored in a buffer zone in a lead-in zone of the record carrier.

9. (Previously presented) A method for protecting content stored on a record carrier, said record carrier having a data zone and an initial zone, the method comprising acts of:

storing content in a main channel,

storing address information and data relevant for making recordings in a side channel; and

storing content protection information for protection of said content in said side channel in a pregroove in said data zone wherein the main channel is for recording information in said data zone.

10. (Previously presented) A device for protecting content stored on a record carrier, said record carrier having a data zone and an initial zone and comprising a main channel storing content and a side channel storing address information and data relevant for making recordings, the device comprising:

means for using content protection information for protection of said content, said content protection information being stored in said side channel in a pregroove in said data zone, wherein the main channel is for recording information in said data zone.

11. (Previously presented) An apparatus for reading out protected content stored on a record carrier, said record carrier having a data zone and an initial zone and comprising a main channel storing content and a side channel storing address information and data relevant for making recordings, the apparatus comprising:

 means for reading out of said protected content,

 means for reading out of content protection information for protection of said content, the content protection information being stored in said side channel in a pregroove in said data zone, and

 means for decrypting said content using said content protection information , wherein the main channel is for recording information in said data zone.

12. (Previously presented) A method for reading out protected content stored on a record carrier, said record carrier having a data zone and an initial zone and comprising a main channel storing content and a side channel storing address information and data relevant for making recordings, the method comprising acts of:

reading out of said protected content,

reading out of content protection information for protection of said content stored in said side channel in a pregroove in said data zone,

decrypting said content using said content protection information, wherein the main channel is for recording information in said data zone.

13. (Previously presented) A computer program stored on a computer readable memory medium, the computer program comprising computer program code means for causing a computer to perform acts when said computer program is run on a computer, the acts comprising:

storing content in a main channel,

storing address information and data relevant for making
recordings in a side channel; and

storing content protection information for protection of said
content in said side channel in a pregroove in a data zone, wherein
said content protection information is used for protecting said
content, wherein the main channel is for recording information in
said data zone.

14. (Previously presented) The computer program as claimed in
claim 13, comprising an acts of:

decrypting said content using said content protection
information; and

outputting said decrypted content.

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APPENDIX B

Evidence on Appeal

None

Patent
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Amendment in Reply to Final Office Action of April 14, 2009
and Advisory Action of June 23, 2009

APPENDIX C

Related Proceedings of Appeal

None